

REMARKS

The Office Action of December 13, 2006 presents the examination of claims 1-20 and 25, claims 21-24, 26 and 27 being withdrawn from consideration pursuant to a Restriction Requirement.

The present paper cancels the pending claims 1-20 and 25, and presents new claims 26-36 for consideration. Such method of amendment was chosen for editorial simplicity.

The present amendments in effect define the molecular markers being examined in the claimed methods as an Exocyst complex or a Sec3 protein. Support for these amendments is provided by the specification at, for example, page 47, line 5 to page 48, line 22.

Claim objections

The Examiner objects to claims 7, 12, 14-16 and 20 for reasons set forth at pp. 4-5 of the Office Action. Applicant submits that the claims as presently amended obviate the issues presented by the Examiner and so these objections may be withdrawn.

Rejections under 35 USC § 112, second paragraph

Claims 1-20 are rejected under 35 USC § 112, second paragraph for reasons set forth at pp. 5-6 of the Office Action. The various reasons presented by the Examiner for rejecting the claims are no longer present in the claim language, thus obviating this rejection.

Rejections for lack of novelty

Claims 1-4, 7, 8, 12-14, 17 and 20 are rejected under 35 USC § 102(b) as anticipated by Ainger et al. (1993). This rejection is moot in view of the amendment to the claims; Applicant submits that the rejection is not applicable to the present claims 26-36.

In particular, Ainger (1993) relates to association of an RNA with microtubules in a cell. Ainger (1993) makes no mention whatsoever of an Exocyst complex or Sec3 protein, nor of their

association with uptake of exogenous DNA into a cell and its transport into the nucleus. Accordingly, the present claims 26-36 are novel over the reference.

Claims 1 and 3 are rejected under 35 USC § 102(b) as being anticipated by Patil et al. (1996). The cancellation of claims 1 and 3 renders this rejection moot. Applicant submits that the rejection does not apply to the present claims.

Patil is concerned with introduction of foreign DNA into a cell by electroporation and localizes the DNA by in situ hybridization. Patil makes no mention whatsoever of visualization of a complex of DNA with an Exocyst complex or with a Sec3 protein using an antibody directed to the protein. Accordingly, the present claims are novel over the reference.

Claims 1, 11, 18 and 19 are rejected under 35 USC § 102(b) as being anticipated by Chen et al. (1998). The cancellation of claims 1 and 3 renders this rejection moot. Applicant submits that the rejection does not apply to the present claims.

Chen is concerned with introduction of foreign DNA into a cell by electroporation and localizes the DNA by in situ hybridization. Chen makes no mention whatsoever of visualization of a complex of DNA with an Exocyst complex or with a Sec3 protein utilizing an antibody directed to the protein. Accordingly, the present claims are novel over the reference.

Rejections for obviousness

Claims 5 and 6 are rejected under 35 USC § 103(a) as being unpatentable over Ainger (1993), Ainger (1998), Patil (1996) or Chen (1998) in view of Dean (2000). The cancellation of claims 5 and 6 renders this rejection moot. Applicant submits that the rejection does not apply to the present claims.

As explained above, none of the primary references disclose or suggest visualization of a complex of DNA with an Exocyst complex or with a Sec3 protein utilizing an antibody directed to the protein. Dean (2000) does nothing to remedy the deficiencies of the primary references in this regard. Thus, the combination of Dean (2000) with any one (or more) of the primary references fails to establish *prima facie* obviousness of the invention as now claimed.

Claim 25 is rejected under 35 USC § 103(a) as being obvious over Ainger (1993) in view of Zavada '370. The cancellation of claim 25 renders this rejection moot. Applicant submits that the rejection does not apply to the present claims.

As explained above, Ainger (1993) does not disclose or suggest visualization of a complex of DNA with an Exocyst complex or with a Sec3 protein utilizing an antibody directed to the protein. Zavada '370 does nothing to remedy the deficiencies of the primary references in this regard. Thus, the combination of Ainger (1993) with Zavada '370 fails to establish *prima facie* obviousness of the invention as now claimed.


Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Mark J. Nuell (Reg. No. 36,623) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

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DRN/kpc

Respectfully submitted,

By 
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